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Dual Comp.

82D CONGRESS  
1ST SESSION

## S. 352

### IN THE SENATE OF THE UNITED STATES

JANUARY 11 (legislative day, JANUARY 8), 1951

Mr. JOHNSTON of South Carolina introduced the following bill; which was read twice and referred to the Committee on Post Office and Civil Service

## A BILL

To simplify and consolidate the laws relating to the receipt of compensation from dual employments under the United States, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That unless otherwise specifically authorized by law, any
- 4 person receiving compensation from any office or position,
- 5 appointive or elective, under the United States or any
- 6 department or agency thereof, including Government-owned
- 7 or controlled corporations, or under the government of the
- 8 District of Columbia, shall not be eligible to receive com-
- 9 pensation from any other such office or position except to

1 such extent as will not cause the combined amounts actually  
2 received for any period of time to exceed the rate of \$5,000  
3 per annum: *Provided*, That when the compensation of either  
4 office or position amounts to or exceeds the rate of \$5,000  
5 per annum such person shall be eligible to receive the com-  
6 pensation of either office or position, as he may elect.

7 SEC. 2. For the purpose of this Act, an hourly rate,  
8 other than an hourly rate which is paid as a proportionate  
9 part of an annual rate, shall be multiplied by two thousand  
10 eighty to obtain an equivalent annual rate for the position;  
11 and a daily rate, other than a daily rate which is paid as a  
12 proportionate part of an annual rate, shall be multiplied  
13 by two hundred sixty to obtain an equivalent annual rate  
14 for the position.

15 SEC. 3. As used in this Act, the term "compensation  
16 from any office or position" shall include—

17 (1) any basic salary, wages, or other emolument,  
18 including permanent additions such as statutory pay  
19 increases, but excluding any temporary additions such  
20 as overtime pay or night differential, for or on account  
21 of service as a civilian officer or employee of the United  
22 States, or any department or agency thereof, including  
23 Government-owned or controlled corporations, or of the  
24 government of the District of Columbia; and

1           (2) retired pay on account of services as a com-  
2       missioned officer in any of the services subject to the  
3       Career Compensation Act of 1949 (U. S. C., title 37,  
4       sec. 231 and the following) ;

5       but shall not include—

6           (A) retired pay of enlisted men, warrant officers,  
7       and flight officers in any such service retired for any  
8       cause;

9           (B) retired pay of Regular, Reserve, or temporary  
10      commissioned officers retired for disability incurred in  
11      combat with an enemy of the United States or for dis-  
12      ability resulting from an explosion of an instrumentality  
13      of war in line of duty during an enlistment or employ-  
14      ment specified in Veterans Regulation Numbered 1 (a),  
15      part I, paragraph I;

16          (C) retired pay of any commissioned officer, war-  
17      rant officer, flight officer, or enlisted person retired under  
18      title III of the Act of June 29, 1948 (Public Law 810,  
19      Eightieth Congress), as amended; or

20          (D) compensation of teachers, school officers, and  
21      custodial employees of the Board of Education of the  
22      District of Columbia for services rendered in connection  
23      with the operation of night or vacation schools in the  
24      public schools of the District of Columbia.

25      SEC. 4. The first section of this Act may be suspended

1 by order of the President during any period of national emer-  
2 gency when in his opinion the public interest would be served  
3 by making officers and employees subject to such section  
4 available for additional service.

5 SEC. 5. When in the judgment of the Postmaster General  
6 the needs and interests of the postal service so require, he  
7 may employ any employee in the postal field service in a dual  
8 capacity or he may temporarily assign any employee in the  
9 postal field service to duty in any position in the postal field  
10 service; and, notwithstanding the first section of this Act,  
11 any employee so employed or assigned shall be paid compen-  
12 sation at the rate provided by law for such services.

13 SEC. 6. The first section of this Act shall not apply to  
14 custodial employees of the Board of Education of the Dis-  
15 trict of Columbia when such employees are performing work  
16 required of them in school buildings during the time these  
17 buildings are used for nonrecreational official purposes by  
18 any Federal department or agency or any department of  
19 the government of the District of Columbia other than the  
20 Board of Education, in accordance with the rules of the  
21 Board of Education governing the use of school buildings  
22 and grounds, including their use for day or evening schools;  
23 and nothing therein contained shall be deemed to prevent any  
24 custodial employee from receiving in addition to his pay,  
25 salary, or compensation as an employee of the Board of

1 Education of the District of Columbia any other pay, salary,  
2 or compensation at a rate not in excess of the rate of pay  
3 received as an employee of the Board of Education, for  
4 services which may be rendered to any Federal department  
5 or agency or any department of the government of the Dis-  
6 trict of Columbia other than the Board of Education, during  
7 its use of school buildings under the jurisdiction of the Board  
8 of Education of the District of Columbia.

9 SEC. 7. (a) All laws or parts of laws inconsistent with  
10 the provisions of this Act are hereby repealed, and such  
11 repeal shall include but shall not be limited to the following  
12 laws and parts of laws:

13 (1) Section 2 of the Act of July 31, 1894 (28 Stat.  
14 205), as amended by the Act of May 31, 1924 (43 Stat.  
15 245), section 6 of the Act of July 30, 1937 (50 Stat. 549),  
16 and the Act of June 25, 1938 (52 Stat. 1194), relative to  
17 the holding of two offices (U. S. C., title 5, sec. 62).

18 (2) Section 6 of the Act of May 10, 1916 (39 Stat.  
19 120), as amended by the Act of August 29, 1916 (39 Stat.  
20 582), relative to double salaries (U. S. C., title 5, secs. 58  
21 and 59).

22 (3) Section 212 of the Act of June 30, 1932 (47  
23 Stat. 406), as amended by section 3 of the Act of July  
24 15, 1940 (54 Stat. 761), relative to limitation of retired

1 pay received for commissioned service when combined with  
2 civilian salary (U. S. C., title 5, sec. 59a).

3 (4) Revised Statutes, section 1763, relative to the  
4 receiving of compensation from more than one office.

5 (5) Revised Statutes, section 1764, relative to addi-  
6 tional compensation for extra services (U. S. C., title 5,  
7 sec. 69).

8 (6) Revised Statutes, section 1765, relative to addi-  
9 tional compensation to any person whose salary is fixed  
10 by law or regulation (U. S. C., title 5, sec. 70).

11 (7) Section 7 of the Act of June 3, 1896 (29 Stat.  
12 235), relative to retired officers of the Army and Navy  
13 employed on river and harbor improvements (U. S. C.,  
14 title 5, sec. 63).

15 (8) Section 9 of the Act of October 6, 1917 (40 Stat.  
16 384), relative to teachers in the public schools of the District  
17 of Columbia who are also employed as teachers of night  
18 schools and vacation schools (U. S. C., title 5, sec. 61).

19 (9) Act of July 8, 1918, section 1 (40 Stat. 823),  
20 last paragraph under the heading "Public Schools", relative  
21 to employees of the community center department of the  
22 public schools of the District of Columbia (U. S. C., title  
23 5, sec. 61).

24 (10) Act of June 5, 1920, section 1 (41 Stat. 1017),  
25 ninth paragraph under the heading "Public Schools", rela-

1 tive to employees of the school garden department of the  
2 public schools of the District of Columbia (U. S. C., title  
3 5, sec. 61).

4 (11) Act of February 17, 1922 (42 Stat. 373), the  
5 proviso in the paragraph under the heading "Bureau of the  
6 Budget", relative to retired officers of the Army, Navy, Ma-  
7 rine Corps, or Coast Guard, appointed to offices in the  
8 Bureau of the Budget (U. S. C., title 5, sec. 64).

9 (12) Section 1 of the Act of March 1, 1929 (45 Stat.  
10 1441), as amended by the Act of June 11, 1942 (56 Stat.  
11 358, Public Law 605, Seventy-seventh Congress), and the  
12 Act of December 23, 1944 (58 Stat. 922, Public Law 555,  
13 Seventy-eighth Congress), relative to dual employment of  
14 postal employees (U. S. C., title 39, sec. 136).

15 (13) Act of January 22, 1932, section 3, fifth sentence,  
16 as in effect on June 30, 1947 (47 Stat. 6), relative to  
17 employees of the Reconstruction Finance Corporation.

18 (14) Act of July 1, 1942 (56 Stat. 467, Public Law  
19 642, Seventy-seventh Congress), relative to custodial em-  
20 ployees of the Board of Education of the District of Columbia.

21 (15) The first proviso in the paragraph under the  
22 heading "Pay of the Army" in title III of the Defense  
23 Appropriation Act, 1951, the first proviso in the paragraph  
24 with the side heading "Pay of the Army" in title III of the  
25 National Military Establishment Appropriation Act, 1950,

1 and similar provisions in prior appropriation Acts providing  
2 pay for the Army, relative to retired military personnel on  
3 duty at the United States Soldiers' Home (U. S. C., title  
4 5, sec. 59b).

5 (16) Act of August 10, 1946 (60 Stat. 978, Public  
6 Law 718, Seventy-ninth Congress), relative to appointment  
7 of retired officers in the Veterans' Administration.

8 (b) Nothing in this Act, however, shall be construed  
9 to modify or repeal any of the following:

10 (1) Act of August 1, 1941 (55 Stat. 616, Public Law  
11 202, Seventy-seventh Congress), as amended by the Act of  
12 April 7, 1942 (56 Stat. 200, Public Law 517, Seventy-  
13 seventh Congress), and the Act of November 21, 1945 (59  
14 Stat. 584, Public Law 226, Seventy-ninth Congress), rela-  
15 tive to receipt of payment for annual leave by civilian em-  
16 ployees who enter the Armed Forces, and receipt of com-  
17 pensation in civilian positions by military personnel on  
18 terminal leave from the Armed Forces (U. S. C., title 5,  
19 secs. 61a and 61a-1).

20 (2) Naval Reserve Act of June 25, 1938, section 4,  
21 second proviso, relative to members of the Naval Reserve  
22 receiving pay and allowances from civilian positions con-  
23 currently with pay and allowances under such Act (U. S. C.,  
24 title 34, sec. 853b).

25 (3) The proviso in the fourth paragraph under the

1 subheading "Ordnance Stores and Equipment for Reserve  
2 Officers' Training Corps" of the Act of May 12, 1917,  
3 added to such paragraph by Public Law 153, Eightieth Con-  
4 gress, approved July 1, 1947, section 1 (b), relative to  
5 concurrent receipt of civilian pay and pay and allowances  
6 under laws relating to the Officers' Reserve Corps and the  
7 Enlisted Reserve Corps (U. S. C., title 10, sec. 371b).

8 (4) That portion of section 80 of the Act of June 3,  
9 1916, added to such section by Public Law 153, Eightieth  
10 Congress, approved July 1, 1947, section 2, relative to  
11 concurrent receipt of civilian pay and pay and allowances  
12 under provisions of law relating to the National Guard  
13 (U. S. C., title 32, sec. 75).

14 (5) Those portions of the Federal Farm Loan Act,  
15 as amended (U. S. C., title 12, secs. 676 and 1022), the  
16 Farm Credit Act of 1933, as amended (U. S. C., title 12,  
17 secs. 1131 and 1134), and the Farm Credit Act of 1937,  
18 as amended (U. S. C., title 12, sec. 6401), relative to the  
19 employment of officers and employees and joint officers and  
20 employees by the organizations named therein, or otherwise  
21 be deemed to restrict participation by corporations under the  
22 supervision of the Farm Credit Administration in the pay-  
23 ment of the salary of an officer or employee serving more than  
24 one such corporation.

1       SEC. 8. Section 6 of the Act of March 3, 1925 (U. S. C.,  
2 title 2, sec. 162), is amended to read as follows:

3       “SEC. 6. Employees of the Library of Congress who  
4 perform special functions for the performance of which funds  
5 have been entrusted to the board or the Librarian, or in con-  
6 nection with cooperative undertakings in which the Library  
7 of Congress is engaged, shall not be subject to section 1914  
8 of title 18 of the United States Code.”

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